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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,402

10/24/2005

Axel Huegle

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4591

29177 7590 10/02/2008  
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EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

10/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/554,402		HUEGLE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Leslie J. Evanisko		2854	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
- 4a) Of the above claim(s) 3-9 and 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09-06-2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Election/Restrictions**

1. Applicant's election without traverse of Group V, claims 1, 10 and 11, in the reply filed on July 28, 2008 is acknowledged.
2. Claims 3-9 and 12-22 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 28, 2008.

### **Priority**

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### **Information Disclosure Statement**

4. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### **Drawings**

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- reference numerals 19, 20 and 70 in Figure 11.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Specification**

6. The disclosure is objected to because of the following informalities: In the specification amendment dated 10/24/2005, applicant amended the paragraph beginning on page 2, line 8 with a paragraph which includes references to specific claim numbers. Since the claims may be renumbered by the Examiner during prosecution of the application and before the application is printed as a patent, the reference to specific claim numbers may be problematic. Therefore, it is suggested the specification be

amended to refer to the actual subject matter recited by these claims rather than referencing particular claim numbers.

Appropriate correction and/or clarification is required.

### **Claim Rejections - 35 USC § 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hügler (WO 02/063571 A1). Note that since the WO document is not in the English language, the Examiner has relied upon the equivalent US application publication no 2004/0021763 A1 for a translation of the disclosure. All references below to particular paragraphs are set forth with respect to the text of the U.S. Publication.

With respect to claim 1, Hügler teaches a printer 1 for a tachograph for a motor vehicle comprising a housing 2, a printing unit 19, a media unit )12, 13, 15, and 17) for accommodating the medium 13 which is to be printed, the media unit comprising a carrier 10 and being movable jointly with the carrier, wherein the carrier 10 comprises lateral first guide elements arranged in the manner of a drawer (67, 68) and which interact with second guide elements in such a way that the carrier can moved in a push-in direction (in direction of arrow shown in Fig. 1) and counter to the push-in direction out of the housing, the media unit further arranged to be moved relative to the printing

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unit in the push-in direction into an operating position and counter to the push-in direction out of an operating position, and further moved at least partly out of the housing,

wherein the printing unit is arranged to be moved in the housing with a movement play, and

wherein means for orienting (62-65) the printing unit with respect to the media unit are provided and arranged such that the printing unit and the media unit are oriented with respect to one another when the media unit is pushed in the push-in direction. Particular attention is invited to Figures 1-6 and paragraphs [0021]-[0029] in particular.

With respect to claim 10, note Hügler teaches the printer includes at least one elastic element 59, 60, 61 arranged to press the printing unit counter to the push-in direction (at least to some extent) with a force such that the force presses the printing unit counter to the carrier when the latter is pushed in, as described in paragraph [0025] and [0028].

With respect to claim 11, note Hügler teaches the elastic element is arranged such that, when the media unit is not in the operating position, the elastic element presses the pressing unit in the housing against stops which limit the movement play, as described in paragraph [0028].

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sekiya (US 6,469,726 B2) and Yamashita (US 6,414,704 B1) each

teach a printer having a media unit movable in a drawer like manner having obvious similarities to the claimed subject matter.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Leslie J. Evanisko/*  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
September 28, 2008